

5. Case Opening

5.1 Opening to SACWIS

The *Code of Virginia* and federal law require that information be maintained in the state approved child welfare system (SACWIS) and every child in foster care be tracked so that the Department may monitor service delivery and planning for achieving permanency. (§63.2-907) This includes children placed under a non-custodial foster care agreement. SACWIS is Virginia's official system of record in which cases must be documented and tracked. Data utilized for state and federal reporting and planning are extracted from SACWIS; therefore, all case data must be entered into SACWIS accurately and within 30 days of each case event occurrence.

5.1.1 Opening the Foster Care Case in SACWIS

- Information for every child in foster care must be entered into SACWIS as soon as possible but no later than 30 days after the child's custody is transferred to a local department of social services or he/she is placed in foster care. A delay in the entry on SACWIS will result in a federal penalty under the federal Adoption and Foster Care Analysis and Reporting System (AFCARS). The worker is responsible for entering and updating all case data in SACWIS as soon as possible but no later than 30 days after, each activity or event.
- The case is opened in the family's name.
- A child in the local department's custody or placement is considered a member of a family case. If there is no family, open the case in the child's name.

5.1.2 Choosing the Program Category (Funding Source Screen)

There are two program categories for children in foster care. These categories determine the source of maintenance payments made on behalf of the child. In order to receive federal funding, workers must identify the program category on the Funding Source Screen in SACWIS as follows:

- CSA cases eligible for State Pool Funds;
- Title IV-E cases eligible for Title IV-E federal funds. Workers check Title IV-E as the program category when a child is Title IV-E eligible even when no Title IV-E payment is being made; for instance, placed in a placement that is not eligible for Title IV-E funding, or a child on a trial visit home for less than six months.

All cases must initially be opened as CSA cases until the eligibility determination for Title IV-E has been made. On notification by eligibility staff that the case is Title IV-E eligible, the service worker must change the program category and the source of payment on the Funding Source Screen in SACWIS to Title IV-E. No Title IV-E maintenance payment shall be made until eligibility for Title IV-E has been determined.

5.1.3 Choosing the Source of Payment

Under source of payment on the funding sources screen, the local department of social services checks what the source of payment is for maintenance payments. If the local department of social services receives SSI or other resources for the child, the worker would choose "other resources" and identify the resource the child receives. Even if a local department of social services initially pays for a child out of CSA and then reimburses CSA out of SSI, the local department should choose the resource that ultimately pays for maintenance as the funding source.

5.2 Setting Up Paper Case Records

SACWIS is the official case record for all foster care cases, and is supplemented with forms, letters, and other original hard copy documents which must be retained in the paper case record. Most of the case documentation will be in SACWIS however, and not in the paper file. It is not necessary to copy SACWIS screens into the case record unless this is the policy of the local department. Original documents (Social Security Card, birth certificate, psychological reports, etc.) will remain in the paper record, as well as documents that require signature. Many of the foster care forms are either in SACWIS and can be completed and printed as needed, or are available on the VDSS Local agency site.

Material in the paper case record should be separated into divisions, grouping the same or similar forms and documents together. Within each division, material must be fastened together in chronological order with the most recent material on top. A suggested paper case record format follows:

5.2.1 Key Documents, including:

- Referral to eligibility for Title IV-E determination and Medicaid
- Birth verification
- Social security card and/or application

5.2.2 Legal documents with original signatures, including:

- Petitions
- Entrustments
- Service plans (including the court approved Individual and Family Service Plan (IFSP))

- Court orders
- ICPC Forms

5.2.3 Agreements (with original signatures) including:

- Non-Custodial foster care agreements
- Foster family home placement agreements
- Foster family home placement agreements
- Independent living agreements (Transitional Living Plans)
- Respite care agreements
- Permanent foster care agreements

5.2.4 Reports, including:

- Social histories
- School reports
- Medical reports
- Psychological reports
- Quarterly provider reports

5.2.5 Residential, including:

- Application
- Placement reports

5.2.6 Correspondence, in chronological order, including:

- Notice of visitation
- Notice of placement change
- Notice of panel review
- CPS summary or affidavit
- Other correspondence

5.2.7 Funding

- CSA documentation
- purchase orders and invoices

5.2.8 Adoption Documents

- Termination of Parental Rights
- Adoption Assistance Agreement (if applicable)
- Adoptive home placement agreement

5.3 Foster Family Record

AFCARS reporting requires that basic demographic information about all foster families (public and private) be entered into SACWIS. This information is reported under the resource section of SACWIS. The record for the local department of social services approved foster home shall include all forms and information gathered during the study-evaluation and approval process.

5.4 Referrals for Maintenance: Title IV-E and State Pool Funds

All children in foster care placement are eligible to receive room, board, and supervision. maintenance is defined by federal regulations as: payments made on behalf of a child to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable travel for a child's visitation with family or other caretakers. Daily supervision includes day care when the foster parent works or needs to attend meetings related to the child. Day care must be with licensed provider. (See Section 12.1 for maintenance payment information).

Funding sources for paying the costs of maintenance and procedures for determining the source to be used are described below.

5.4.1 Title IV-E Eligibility Requirements

For children who meet Title IV-E eligibility and reimbursability requirements, the federal government shares in maintenance and administrative costs of children in foster care. All children in care are to be referred to eligibility staff for an initial determination of Title IV-E eligibility. The services staff must refer a child for screening within 10 calendar days of the court commitment order, the date the voluntary entrustment agreement is signed, or the date the non-custodial agreement is signed (Title IV-E Eligibility Manual at <http://www.dss.virginia.gov/family/fc/procedures.html>)

The service worker is responsible for referring and providing information to the eligibility worker that is used in making the Title IV-E eligibility determination.

For a child to be Title IV-E eligible, the following requirements must be met:

- During the month court action was initiated (the month in which a petition was filed to remove or place the child, or an emergency removal order was entered, or a detention order was entered) or voluntary entrustment or non-custodial foster care placement occurs, the child:
 - Would have met AFDC relatedness criteria as it was in effect July 16, 1996 (see Title IV-E eligibility manual at <http://www.dss.virginia.gov/family/fc/procedures.html> which include:

- Had lived with a specified relative who had legal custody of the child at the time of the removal; or if the child was not living with a specified relative at the time of removal, but had lived with a specified relative who had legal custody at some time during the six months prior to removal.
- Being a U.S. citizen or qualified alien
- Considered a resident of the state in which he is living, other than on a temporary basis, regardless of the reason he entered the state or the residence of his parents.
- Considered deprived if parental support or care at any point during the removal month
- Evaluated as being below the income and resource levels in which all mandatory assistance unit members during the month of the removal, as well as applicable disregards must be considered.
- The child is younger than 18 years, or if older than 18, enrolled in a secondary or vocational/technical program and expected to graduate by age 19.
- The initial judicial determination placing the child in the custody of the local department of social services , or within 180 days following the voluntary placement agreement, must contain a statement that continuation in the home would be contrary to the welfare or that removal is in the best interest of the child.

For children who enter care through a court ordered removal, a judicial determination containing a statement that reasonable efforts have been made to prevent removal, or that reasonable efforts are deemed to have been made due to no opportunity to provide preventive services, must be made within 60 days of the child's removal.

- Reasonable efforts language is not required for children who enter care through a voluntary placement agreement.
- Effective March 27, 2000, neither nunc pro tunc orders nor affidavits are acceptable as amendments or substitutes for any court order used to meet Title IV-E requirements.

5.4.2 Title IV-E Placement Requirements

To be eligible for Title IV-E maintenance payments, the child must be placed in one of the following:

- A local department of social services approved foster home (not for emergency, conditional or provisional approval status);
- A private non-profit child placing agency
- Children's residential facility
- Group home which accommodates no more than 25 children.

5.4.3 Special Regulations Governing Entrusted Children

- 5.4.3.1 Funding from Title IV-E is limited to 180 days for children in custody pursuant to a voluntary temporary entrustment agreement unless a court order containing contrary to the welfare/ best interests language is obtained within 180 days for the date of the voluntary placement agreement. State law mandates court approval of all temporary entrustments for 90 days or more. This meets the 180 days requirement.
- 5.4.3.2 For a child who is permanently entrusted to be eligible for Title IV-E foster care and adoption assistance, there must be:
 - A judicial determination that the placement is not contrary to the welfare of the child; and
- 5.4.3.4 Failure to meet requirements of this section will result in the child being ineligible for Title IV-E funding. Documentation not received by 180 days will result in the case being closed to Title IV-E. Costs for the child's placement will be paid from CSA state pool funds.

5.4.4 Information Sent to Eligibility for Title IV-E Screening

- Copy of the petition and initial court order which contains contrary to the welfare language, and if made on the initial order, the reasonable efforts determination.
- For entrustments or non-custodial foster care placements, a copy of the entrustment agreement or non-custodial foster care agreement.
- Child's social security number or proof of an application for a social security number.
- Birth verification.
- Description of the situation from which the child was removed including:

- Names of all persons with whom child was living; Relationship of each to child; Date of removal;
- Specific information on both parents to include full names, birth dates, social security numbers, whereabouts, employers' names and addresses, their parents' names and addresses;
- Income of all immediate family members with whom child was living (parents and siblings);
- School enrollment at time of removal and at time of application; Whether the child was a resident of Virginia at the time of the entrustment, commitment, or placement; and
- Whether the child is a citizen of the United States or an alien. Current financial data related to income and resources available to the child, such as social security administration, veterans administration, and support from parents, other benefits, earnings, savings, trust funds, and funds in the special welfare account. Income is either earned or unearned.
- Earned income is income derived from wages, salary, commissions or profit from self-employment; Unearned income is income from social security and other benefits, lump sum payments from an insurance policy, sale of property, and any other unearned source;
- Verification of the appropriateness of the placement relative to Title IV-E funding; Verification of a foster home consists of the most recent approval period for the home;
- The service worker is responsible for ensuring that the agency approved provider compliance form is available to the eligibility worker;
- When sending the agency approved form to the eligibility staff for the purpose of establishing or maintaining a unit file, the front page of the form is sufficient;
- Verification of a residential facility's eligibility for Title IV-E payments consists of documentation of the room and board rate agreed upon between the local department of social services and the facility, the most recent approval date for the room and board rate, its licensing and non-profit status, and, if public, its capacity.

5.4.5 Additional Requirements for Continuing Eligibility for Title IV-E Funding and Requirements for All Foster Care Cases.

- The court must hold a permanency planning hearing within 12 months from the date of adjudication of abuse or neglect, or 60 days after the child is removed from the home, whichever is earliest.
- Annually, the court must determine at each court hearing that reasonable efforts have been made to reunite; or if the goal is other than return home, to finalize a permanent placement for the child.

The local department's failure to meet the above requirements will make a child non-reimbursable for Title IV-E maintenance payments from the first of the month following the month the requirement was due and may resume the first of the month within the month the requirement was then met.

5.4.6 Maintenance Payments Made from State Pool Funds

This is a source of funding, using federal, state and local money under the Comprehensive Services Act for At-Risk Youth and Families.

- Costs of maintenance are paid from this source for all children who are not eligible for Title IV-E.
- Local Community Planning and Management Teams will determine the referral and payment authorization procedures.
- These funds can only be used for placement in an approved or licensed facility or foster home.
- A case or referral for screening for eligibility for Title IV-E is coded to and paid from the CSA State Pool funding source until the child is found to be eligible for Title IV-E maintenance payments. Maintenance payments are made from State Pool Funds only until the date of entitlement for Title IV-E. State Pool Funds expended for maintenance during the referral process may be reimbursed by Title IV-E funds for maintenance, except for any period where the provider was not fully approved.

5.5 Referral for Determination of Medicaid (Title XIX) Eligibility

Funding for medical services in this program is from state and federal funds provided through the State Department of Medical Assistance Services (DMAS). Determination of eligibility is the responsibility of eligibility staff in the local department of social services. Service workers are responsible for submitting the Title IV-E/Medicaid Eligibility Form to the eligibility worker within 10 days of date of placement.

The Title IV-E/Medicaid Eligibility Form is the only form needed to apply for Medicaid for all children in foster care. No eligibility forms are required.

- 5.5.1 For children in non-custodial foster care, the parents or guardian must sign and file the application. The parent or guardian cannot authorize the service worker to sign the application.

5.5.2 Informing Medicaid of Changes

Eligibility for Medicaid is redetermined annually. However, the service worker shall provide the Medicaid eligibility worker with any new information that might affect Medicaid eligibility within 10 days from the date of the change.

Changes that might affect eligibility include: changes in income or resources (wages, inheritances, savings, etc.); return of a child to his home on a permanent basis; age of the child, a trial home visit in excess of three months; termination of custody by the court or placement by the local department of social services or parent; or release of the local department of social services of responsibility for aftercare supervision.

5.6 Referral for Collection of Child Support

The Department of Social Services is charged with collecting support for dependent children (as defined in §63.2-1903, *Code of Virginia*) in accordance with state and federal laws and policies and procedures of the Department of Social Services' Division of Child Support Enforcement (DCSE). The court may determine the amount of support at the preliminary removal hearing or may refer the case to DCSE to schedule another hearing to discuss support. The local department of social services must address support in agreements signed with parent(s) to place a child in foster care, (§63.2-910).

The local department of social services is responsible for reporting to the Division of Child Support Enforcement (DCSE) all information necessary to aid in securing support on behalf of children.

5.6.1 Fundamental Information about Support

- Both parents should be pursued for support.
- DCSE will collect funds from absent parents that may be used toward the reimbursement of foster care expenditures.
- The state will receive the state's share of funds collected by DCSE for Title IV-E children. Funds collected for non-Title IV-E children will be forwarded to the local department of social services. Support is placed in special welfare accounts to be used for reimbursement of foster care expenses for the child (e.g., maintenance, medical care not covered by Medicaid, and services). If the child who has been discharged from foster care still has an open special welfare account, the money should be placed in that account and subsequently disbursed to the child's parent(s), relative caretaker or the child if the child is over 18 and has no other legal guardian. If the child has no

open special welfare account, the local department should place the money in an account under the direction of the local department and from which the monies can be disbursed to the child's parent(s), relative caretaker, or the child if the child is over 18 and has no other legal guardian. These child support funds are not to be returned to DCSE.

- These funds will be remitted to the Virginia Department of Treasury, Division of Unclaimed Property (§55-210.12) if after a period of one year (§55-210.9) and documented due diligence (i.e., attempting contact with the rightful owner at their last known address, and performing any other efforts which would constitute an exhaustive search), the local department of social services cannot locate the child's parent(s), relative caretaker, or the child is over 18. Agencies are required to remit such funds that were due and payable by June 30th of any given year to the Department of Treasury, Division of Unclaimed Property by November 1st of that same year. Forms and instructions needed to remit this property may be obtained from the Treasury website at www.trs.state.va.us. Questions about, or problems in the use of these forms should be directed to the Report Remit Supervisor at the Virginia Department of Treasury, 804-225-2463.
- If the parent provides a financial statement indicating his/her ability to pay, child support guidelines will be used to determine the support amount.
- Current support payments will be assessed from the date of custody or when the parent(s) signs an agreement to place a child in foster care.
- DCSE will not collect support payments from absent parents after parental rights have been terminated or a permanent entrustment has been executed and approved by the court, unless the parents have accrued arrears. The service worker must notify the eligibility worker in writing when termination of parental rights occurs.
- Support payments will not affect foster care payments made to foster parents.

5.6.2 Court Ordered Child Support

- The petition requesting custody or foster care placement must also request that the issue of child support be addressed at the preliminary removal hearing.
- The court must address child support whenever a child is placed in foster care. (§63.2-909) The court may determine the amount of support at the initial hearing, schedule another hearing to determine support when DCSE staff can be present, or refer the case to the Division of Child Support Enforcement (DCSE) to determine the support amount.
- The local department of social services and district DCSE office will determine how DCSE staff will be informed of support hearings pertaining to

children placed in foster care. The service worker is not responsible for determining the child support amount.

- If the service worker believes the collection of support will interfere with the goal of returning the child home, the worker should inform the court at the hearing where child support is addressed of those specific concerns. Refer to Section 5.6.6.
- If the court orders support, the worker must complete the Interim Application for Child Support Enforcement Services and submit it to the district DCSE office within five days of the hearing. The worker must still provide the Absent Parent Deprivation/Paternity Information Forms to the eligibility worker as part of the Title IV-E referral process. If the worker is able to complete the full Absent Parent Deprivation/Paternity Information Forms and submit it to the district DCSE office within five days, the Interim Application for Child Support Enforcement does not have to be submitted to DCSE. A copy of the Absent Parent Deprivation/Paternity Information Forms submitted to DCSE should be provided to the eligibility worker at the time of the Title IV-E screening (see Section 5.6.5).

5.6.3 Securing Support for Children (Responsibility of Service Worker)

The service worker is responsible for identifying the absent parent(s) and completing the Absent Parent Deprivation/Paternity Information Form to provide information to DCSE staff regarding the absent parent(s) for whom paternity will be established and from whom support will be pursued. One form must be completed on each parent regardless of whether they are living together or apart. The information on the form should be accurate and up-to-date. The Absent Parent Deprivation/Paternity Information Forms must either be submitted to DCSE within five days of the court hearing ordering support or to the eligibility worker at the time of the Title IV-E screening, along with a copy of the court order addressing custody or placement and support or the non-custodial agreement.

- When children are placed in foster care through non-custodial agreements, the service worker is responsible for referring the case to DCSE at the time of the Title IV-E referral.
- The service worker shall keep a copy of all support information and forms in the foster care record.
- As soon as there are changes in the status of the foster care case or in the situation of the absent parents, the service worker must notify the eligibility worker in writing. Refer to Section 10.2.2: Notice of Changes Affecting Child Support.

5.6.4 Identifying the Absent Parent(s)

For the purpose of foster care, "absent parent" is any person or persons whose parental rights have not been terminated who is required under law to support

the child in custody of or placed with a local department of social services or public agency designated by the CPMT.

The "absent parent(s)" may be the birth parent(s) including the putative father or the legal parent(s). A prior custodian is not required under law to support a dependent child.

The Federal Parent Locator Service (FPLS) may be used for location-only information when the service worker is attempting to locate an absent parent and the case has not been referred for full DCSE services due to a good cause claim. The FPLS is accessed by completing the Virginia Department of Social Services Division of Child Support Enforcement "Application for Location Information" form.

Workers should mail the completed form to the address on the form. DCSE will send a written response to the worker in approximately ten days. FPLS information should be filed in the child's case record and all FPLS information obtained is to be kept confidential and not shared with other providers or individuals.

5.6.5 Completing the Absent Parent Deprivation/Paternity Information Form

Information on the birth or legal parent(s) is needed on the Absent Parent Deprivation/Paternity Information Form in order to pursue support; including

- Names and addresses;
- Birth dates;
- Social Security numbers;
- Name and address of employers; and
- Names of parents and the relatives of the responsible person(s).

Title IV-E children are mandated to receive full DCSE services upon referral. The service worker must request full DCSE services for non-Title IV-E children unless good cause is claimed. The service worker must check statement (A) requesting all services offered by DCSE on the Absent Parent Deprivation/Paternity Information Form, Section II: Child Support Enforcement Services for Medicaid Recipients.

5.6.6 Claiming Good Cause

In cases where the foster care plan has the goal of returning the child to the parent(s) and collection of support will interfere with achieving that goal, the service worker may claim good cause for the parent or parents to whom the child is to return. Claiming good cause will result in the case not being pursued by DCSE for collection of support.

A good cause claim should only be made when the support collection will interfere with the achievement of the plan of reuniting the parent(s) and child, resulting in emotional harm to the child. For example, a good cause claim may be made when the parent(s) situation results in the parent(s) possessing such limited financial resources that support collection would interfere with the parent(s) ability to meet conditions set forth in the foster care service plan or by the court and delay or prevent the child's return home. Homelessness, living in substandard housing, participation in full time mental health or substance abuse treatment programs, or serious illness are situations that could result in a good cause claim.

A good cause claim is not made for the parent to whom the child will not be returned.

Good cause is claimed when a parent signs a permanent entrustment agreement for the purposes of adoption or parental rights have been terminated.

The service worker has the following responsibilities:

- If the service worker believes that the collection of support will interfere with the goal of returning the child home, the worker should inform the court at the hearing where child support is addressed of those specific concerns. The court will determine the support amount.
- When completing the Absent Parent Deprivation/Paternity Information Form, if good cause is claimed, the worker indicates the reason for claiming good cause.
- If, after the court has ordered support or DCSE has determined a support amount, the support collection interferes with the goal of return home; the worker may stop the support collection by claiming good cause. The worker completes the Good Cause Determination Form (032-03-0035-05-eng) for each parent for whom good cause is claimed. The form is submitted to the eligibility worker who is responsible for forwarding it to DCSE. DCSE will stop pursuing support once good cause is claimed. For those cases where support is court ordered, DCSE regulations allow the local department of social services to claim good cause without obtaining court permission. The local department of social services should consult with its court to determine whether the court wants to approve changes in court ordered support or be notified when the local department claims good cause.
- If the court has determined at the initial hearing that support collection will interfere with goal of return home and has ordered that the parent(s) pay no support, the local department of social services must petition the court to order support when the parent(s)' situation improves and the collection of support no longer interferes with the goal of return home.

- Once good cause is claimed, at each eligibility redetermination, the service worker is to notify the eligibility worker in writing whether good cause continues to exist.

5.6.7 Responsibility of the Eligibility Worker

- The Title IV-E eligibility worker is responsible for ensuring that information provided by the service worker is provided to DCSE for the Title IV-E eligible child. The Medicaid worker is responsible for forwarding the Absent Parent Deprivation/Paternity Information Form to DCSE for non-Title IV-E children.
- The eligibility worker is responsible for notifying DCSE at each eligibility redetermination on the status of the good cause claim. The service worker is responsible for evaluating whether good cause exists.

5.6.8 Responsibility of the Division of Child Support Enforcement

The Division of Child Support Enforcement will ensure the establishment of paternity where necessary, the establishment of a child support order where none exists, the establishment and enforcement of health care coverage and the collection of support for children upon receiving the referral where good cause does not exist.

5.7 Arranging Visitation with Parent(s) or Prior Custodians

Efforts to maintain contact with the parent(s) or prior custodians in accordance with the goal for the child must begin as soon as the child is placed in foster care.

- The child and parent(s) have the right to visit and maintain communication with each other, unless visitation has been restricted by the court. (§63.2-912)
- At the time a child is placed in foster care, the service worker must encourage visitation and arrange with the parent(s) a mutually agreeable plan for visitation and other communication such as phone calls, email and letters.
- The worker is responsible for facilitating visits.
- The frequency and location of the visits should be documented on the Foster Care Service Plan.
- Parent(s) must not be prevented from visiting with their children because they do not have transportation. The local department must assist the parent(s), when necessary, to assure that visitation occurs.

- If the local department of social services wishes to terminate visitation, it must obtain court approval. If the plan for visitation changes, parent(s) must be notified in writing.
- When a child is separated from siblings, the local department of social services must arrange for regular visitation among the siblings.
- The requirement to maintain contact between the parent and child also applies to parent(s) who are incarcerated or in a treatment program unless the court has restricted contact.

5.8 Referral for Services

The service worker is responsible for referring the child and family to appropriate services identified through the assessment and service planning processes.

5.9 SSI and Other Potential Benefits

The service worker is responsible for determining all financial resources available to the child, including SSI, governmental benefits, and private resources.

The service worker is also responsible for assessing whether a child in care may be eligible for other benefits and referring that child for eligibility determinations. These referrals should be made within the first six months of placement.

5.9.1 Eligibility for Supplemental Security Income (SSI) for Children

An application for SSI should be considered if a child shows significant deficits for his or her age in cognition, communication, motor skills, social skills, personal/behavioral development or concentration in combination with any of the following:

- Requires special education placement;
- Experiences chronic illness or repeated surgeries;
- Had low birth weight;
- Functions three years or more below grade level;
- Misses excessive school due to medical, psychological, or behavioral problems;
- Has one of the following diagnoses: organic mental disorders; schizophrenia, delusional, schizoaffective, or other psychotic disorders; mood disorders;

mental retardation; anxiety disorders; somatoform, eating, and tic disorders; personality disorders; psychoactive substance dependence disorders; autistic disorder; attention deficit disorder; or developmental and emotional disorder of newborn and younger infants;

- Receives multi-disciplinary therapies; i.e. speech, physical, occupational, psychological, etc;
- Requires highly supportive or structured settings to function;
- Requires adaptations (wheel chairs) to function;
- Has a condition, which will be fatal within a year;
- Has complete or marked inability to stand or walk;
- Has impairment causing complete inability to function independently away from home within age appropriate norms;
- Has had more than five foster home placements due to difficulty of care;
- Has major congenital organ dysfunction that may lead to death if not surgically corrected by age 1;
- Has marked restriction in performing activities of daily living; or
- Has a history of placement in specialized or therapeutic foster care, teaching home programs, group homes, or residential treatment facilities due to medical, psychological, or behavioral reasons or need for intensive support services.

5.9.2 Representative Payee

For children in foster care, the local department of social services will generally serve as the representative payee for a child receiving Social Security benefits. As representative payee, the local department of social services will receive the benefits and is responsible for ensuring that benefits are used to meet the needs of the child and accounting for the use of funds. When a child leaves foster care, the local department of social services must inform the local Social Security Administration (SSA) office immediately of the change in placement. It must return accumulated SSI funds to SSA. SSA will disperse the accumulated SSI funds to the next payee for the child. All accumulated funds belong to the child.

5.9.2.1 Lump Sum Retroactive SSI Payments

When a child receives SSI, local agencies must establish a Special Welfare Account for the child (See Section 5.10). When a child receives the initial retroactive lump sum SSI payment and the

retroactive amount covers more than six months, local agencies must establish a separate "dedicated account" for the initial lump sum payment and keep these funds separate from the child's other resources. A payment of retroactive benefits for six months or less can be released to the individual/representative payee. These funds do not count as income to the individual/child.

The local department of social services shall not spend the lump sum funds to reimburse maintenance costs. (Only on-going monthly SSI payments may be used to reimburse maintenance costs). Lump sum funds of greater than six months may be used only for medical treatment, education or job skills training if related to the child's impairment, personal needs assistance, special equipment, housing modification, therapy or rehabilitation, or other items or services as SSA deems appropriate. Other items have been defined as the following:

- Specialized day care or special education not included in the child's special education program;
- Food and veterinary care for a guide dog;
- Repair of walls, carpets, or furnishings that have been damaged by a child with a mental impairment;
- Counseling, crisis intervention, respite, or therapeutic foster care services not covered by health insurance or public service program;
- Repayment of a past debt, including reimbursement of a creditor payee, if the items or services provided were related to the child's impairment and benefited the child;
- Personal aids to facilitate living and learning, such as assistive technology for communication and mobility, modified instructional materials, and specialized transportation;
- Special food for children with dietary needs or diapers for older, incontinent children;
- Increased electrical bills resulting from needed mechanical devices that must constantly run.

Impact on eligibility for other resources: Accumulated retroactive funds in dedicated accounts do not affect SSI eligibility. Agencies have six months to spend down funds in dedicated accounts before these funds impact Medicaid eligibility. The child's Title IV-E eligibility may be affected if the child is not SSI eligible when the retroactive benefits are received.

Local agencies should obtain approval from their local SSA office regarding reimbursement of expenditures from the retroactive lump sum payment if they have questions about the appropriateness of a reimbursement. Local agencies are held liable for these funds if they are not used in accordance with the Social Security Administrations guidelines. Local agencies will be required to reimburse the recipient for the misuse of any funds identified by the SSA.

5.9.3 SSI and Maintenance (Title IV-E and State Pool Funds)

- 5.9.3.1 It is the responsibility of the service worker to inform the SSA at the time of application for benefits or when the local department of social services becomes the representative payee for a child who is already receiving SSI whether the child is receiving Title IV-E benefits. SSI benefits will be reduced dollar for dollar by the amount of Title IV-E funds the child receives. A Title IV-E child does not have to receive a Title IV-E payment. The local department of social services may choose to receive only the SSI payment when a child is in a regular foster home. SSI benefits are not reduced for children whose maintenance is paid from State Pool Funds.
- 5.9.3.2 If a Title IV-E child is in a residential facility where the monthly maintenance rate is greater than the SSI payment, the child should receive Title IV-E benefits to pay for maintenance. If a child returns to a regular foster home, the worker should inform the SSA of the change in placement and maintenance rate so that SSI benefits can be reinstated.
- 5.9.3.3 When a child enters a Medicaid funded residential facility, the local department of social services is to notify the Social Security Administration of the placement in order to ensure that the child's SSI benefits are reduced to appropriate levels (currently, \$30 per month).

5.9.4 Other Governmental Benefits to Which a Child May Be Entitled

- 5.9.4.1 The child may be entitled to certain benefits because of the death or disability of a parent. These include Veterans Administration (VA), Social Security (SSA), Railroad Retirement, etc.
- 5.9.4.2 The child may be eligible for medical services under the Champus/Tricare program, if a parent is in military service.

5.10 **Setting Up Special Welfare Accounts**

All benefits, including SSI, SSA, and VA for the child are to be placed in a special welfare account in the name of the child to be used for expenses on behalf of the child. For information on setting up a special welfare account and refunding expenses, refer to section 12.3 of this chapter.

5.11 Obtaining a Medical Exam

The service worker is responsible for ensuring that the child receives a medical examination, using the Early Periodic Screening, Diagnosis and Treatment (EPSDT) program, no later than 60 days after placement. EPSDT is a resource which makes health screening and treatment services available to Medicaid eligible children.

5.12 School Enrollment Requirements

- Within 72 hours of placing a school age child in foster care or after moving a child in foster care to a different placement, the local department shall, in writing, (i) notify the principal of the school in which the child is to be enrolled and the superintendent of the relevant school division of such a placement, and (ii) inform the principal of the status of the parental rights of that child's parents. If the documents required by the school to enroll the child are not immediately available upon taking the child into custody, the placing social services department shall obtain and produce or otherwise ensure compliance with such requirements within thirty (30) days after enrollment. (§63.2-900 (d)).
- Local departments are responsible for informing local school districts about whether children in foster care have certain criminal convictions or delinquency adjudications as listed in subsection G of § 16.1-260 of the Code of Virginia or any substantially similar offense under the laws of any other state, the District of Columbia, or U.S. territory. The information should be provided through a sworn statement or affirmation at the time of registration.
- The sending school division and the receiving school division may agree to allow the child to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the agreement of the placing local department that such attendance is in the best interest of the child. (§22.1-3.4 (b)).

(See Appendix C for Casework Procedures and Core Practice Issues on Compliance with the items above).

The service worker, in cooperation with the parent(s) and resource, foster care and/or pre-adoptive providers, should also:

- Refer the child for an evaluation for special education if he or she is suspected of having a need for special education services;
- Monitor the child's educational progress through conferences with school personnel, attendance at IEP meetings; contact with foster care providers, and parents.

5.13 Setting Up the Payment Process for Providers

The service worker is responsible for ensuring that the foster parents and other service providers receive appropriate and timely payments according to local policies and procedures.

5.14 Collecting Information That the Child Will Keep

As soon as a child comes into care, the worker and the foster care providers should begin collecting information, pictures, mementos, and other items that may be used for a life book or given to the child when the child leaves care. (See Sections 9.5.4 and 9.16 for information about life books).